

## **AGENDA**

### **BOARD OF MAYOR AND ALDERMEN**

**October 5, 2004**

**7:30 PM**

**Aldermanic Chambers  
City Hall (3<sup>rd</sup> Floor)**

1. Mayor Baines calls the meeting to order in joint session with the Library Trustees.

2. The Clerk calls the roll.

Board of Aldermen: Aldermen Roy, Gatsas, Guinta, Sysyn, Osborne, Porter, O'Neil, Lopez, Shea, DeVries, Garrity, Smith, Thibault, Forest

Library Trustees: Joanne Barrett, Kevin C. Devine, Mary Heath, Jeffery Hickock, Madeleine G. Roy, Karen Sheehan-Lord, Joseph Sullivan

3. Mayor Baines advises that nominations are in order to fill the expired term of Karen Sheehan-Lord; such nominations to be made for a term to expire October 1, 2110.
4. Following nominations, a motion is in order to close the nominations.
5. Unless there be a motion to suspend the rules to confirm the nominations, all nominations made shall layover to the next meeting.
6. Proclamation in honor of the Manchester City Library's 150<sup>th</sup> Anniversary.
7. If there is no further business to come before the joint session, a motion is in order to adjourn.

8. Mayor Baines calls the regular meeting of the Board to order.
9. The Clerk calls the roll.
10. Recognition of the New Hampshire Fisher Cats achievements during their inaugural season and the Eastern League Championship.
11. Presentation of a Key to the City to Jack Brady for his contributions to the City through his service on the Zoning Board of Adjustment.
12. Presentation of Certificates of Appreciation in recognition of the first contributors to the Manchester Art Fund.
13. Attorney David Nixon to report on the Senior Activity Center fund raising efforts.

### **CONSENT AGENDA**

14. Mayor Baines advises if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

### **Approve under supervision of the Department of Highways**

- A. PSNH Pole Petition #11-1018 located on Candia Road;  
PSNH Pole Petition #12-189 located on Alsace Street;  
Verizon Pole Petition #9AAR8Z located on West Hancock Street; and  
Verizon Pole Petition #9AASNS located on Tondreau Court.

**Informational – to be Received and Filed**

- B.** Communication from Leo Bernier, City Clerk, submitting the official results of the Referendum Retirement question which appeared on the September 14, 2004 State Primary Election ballot.
- C.** Minutes of MTA Commission meetings held on July 27, 2004 and September 8, 2004 and the Financial and Ridership Reports for the months of July and August 2004.
- D.** Communication from Traffic Department employees (Tom Lolicata, Jim Hoben and Denise Boutilier) expressing their opposition to the “plan for parking permits” which was approved by the Traffic Committee on September 21<sup>st</sup>.
- E.** Communication from Robert Gallagher, VP of Marine MGA, Inc., expressing his opposition to the Traffic Committee’s approval of transferring the parking permit program from the Traffic Department to the City Clerk’s Office.
- F.** Communication from Doris Mrozek, UNH Manchester, expressing her opposition to the transferring of parking permits from the Traffic Department to the City Clerk’s Office.
- G.** Copy of a communication from U.S. Senator Gregg to Alderman Shea advising of his intention to contact the Director of the Federal Bureau of Prisons regarding the City’s opposition to the placement of a halfway house within city limits.

**Informational – Refer to the Committee on Lands and Buildings**

- H.** Communication from Leo Bernier requesting to purchase land known as Tax Map 415, Lot 1 abutting 90 River Road.

**Accept Funds and Remand for the Purpose Intended**

- I.** Communication from Joanne Shaffer, Second Deputy Finance Officer advising of the receipt of donations totaling \$2,842.00 for the Manchester Art Fund.

## **REFERRALS TO COMMITTEES**

### **COMMITTEE ON FINANCE**

#### **J. Resolutions:**

“Amending the FY 2002 and 2003 Community Improvement Program, authorizing and appropriating funds in the amount of Ninety Three Thousand Three Hundred Sixty Four Dollars and Two Cents (\$93,364.02) for FY2003 CIP 712103 S. Mammoth Sewer – Phase 3 Project.”

“Amending the FY2003 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Twenty Five Thousand Dollars (\$25,000) for FY2003 CIP 713303-South Willow Street Area Improvements.”

“Amending the FY2004 Community Improvement Program, authorizing and appropriating funds in the amount of One Thousand Two Hundred Thirty Three Dollars (\$1,233) for the 2004 CIP 411004 Youth Attendant Program.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Nine Thousand Eight Hundred Two Dollars (\$29,802) for the 2005 CIP 214105 Manchester Multi-Lingual Asthma Education and Outreach Program.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000.00) for the 2005 CIP 810305 VISTA Coordinator Project.”

## **REPORTS OF COMMITTEES**

### **COMMITTEE ON BILLS ON SECOND READING**

**K.** Recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by changing the zoning district of property currently zoned IND (General Industrial) to R-SM (Residential Suburban Multifamily) by extending the R-SM zone district on a portion of property identified as TM 478, Lot 8, located on Candia Road.”

ought to pass.

### **COMMITTEE ON COMMUNITY IMPROVEMENT**

- L.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$93,364.02 (Enterprise) for the FY2003 CIP 712103 S. Mammoth Sewer – Phase 3 Project, and for such purpose a resolution and budget authorizations have been submitted.
- M.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$25,000 (Other) for the FY2003 CIP 713303 – South Willow Street Area Improvements, and for such purpose a resolution and budget authorization has been submitted.
- N.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$1,233 (Federal) for the 2004 CIP 411004 Youth Attendant Program, and for such purpose a resolution and budget authorization has been submitted.
- O.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$29,802 (State) for the 2005 CIP 214105 Manchester Multi-Lingual Asthma Education and Outreach Program, and for such purpose a resolution and budget authorization has been submitted.
- P.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$10,000 (Federal) for the 2005 CIP 810305 VISTA Coordinator Project, and for such purpose a resolution and budget authorization has been submitted

### **COMMITTEE ON JOINT SCHOOL BUILDINGS**

- Q.** Advising that they have amended Item 4 in the Change Order Policy for school construction as enclosed herein.

### **COMMITTEE ON TRAFFIC/PUBLIC SAFETY**

- R.** Recommending that the Ordinance Violations Bureau be moved under the City Clerk's Office and that all permit parking functions be transferred from the Traffic Department to the City Clerk's Office. The Committee further recommends that these actions be phased in at the discretion of the Clerk and the departments.
- S.** Recommending that the Police Department continue details outside of the Verizon Wireless Arena. The Committee further recommends that the Police Department come back to the Committee after the tax rate is set and if additional funds are needed at that time, an alternative funding source will be sought.
- T.** Recommending that a request from the Verizon Wireless Arena for various street closures and redirection of Spruce and Cedar Streets in order to accommodate a safe operating area for equipment and animals of the Ringling Bros. and Barnum & Bailey Circus from October 17 through October 25, 2004 be granted and approved under the direct supervision of the City Clerk, Fire, Highway, Police, Traffic and Risk Departments.
- U.** Recommending that regulations governing standing, stopping, parking and operation of vehicles be adopted and put into effect when duly advertised and posted.

**LADIES AND GENTLEMEN, HAVING READ THE CONSENT AGENDA, A MOTION WOULD BE IN ORDER THAT THE CONSENT AGENDA BE APPROVED.**

- 15.** Nominations to be presented by Mayor Baines, if available.

16. Mayor Baines advises that a motion is in order to recess the regular meeting to allow the Committee on Finance to meet.
17. Mayor Baines calls the meeting back to order.

### **OTHER BUSINESS**

18. Report(s) of the Committee on Finance, if available.  
**Ladies and Gentlemen, what is your pleasure?**
19. Report(s) of the Committee on Human Resources/Insurance, if available.  
**Ladies and Gentlemen, what is your pleasure?**
20. Communication from the Board of Assessors requesting all or some measure of dispensation from the 98% spending directive in order to address and resolve several issues.  
**Ladies and Gentlemen, what is your pleasure?**
21. Communication from Leo Bernier, City Clerk, requesting dispensation from the Board's 98% spending directive due to the unanticipated costs associated with both the September and upcoming November elections and requesting that \$9,500 be set aside in contingency funds for this purpose.  
**Ladies and Gentlemen, what is your pleasure?**
22. Communication from Leo Bernier, City Clerk, suggesting the first meeting of the Board in November be held on Wednesday, November 3<sup>rd</sup> rather than November 2<sup>nd</sup> due to the State General Election.  
**Ladies and Gentlemen, what is your pleasure?**
23. Communication from Thomas Bowen, Director of the Manchester Water Works, requesting a continuation of a leave of absence for Ms. Terry McNeil through February 6, 2005.  
**Ladies and Gentlemen, what is your pleasure?**

24. Communication from Chief Jaskolka requesting permission to place an offer to agencies as to whether or not they would be interested in acquiring three (3) K-9 vehicle inserts and if so, provide them without the need for a bid process or cost to them due to the wear and tear of the inserts.  
**Ladies and Gentlemen, what is your pleasure?**
25. Response from Kevin McCue, Chairman of the Planning Board to a request by Attorney Richard Fradette that the Board issue a building permit for 180 and 192 Watts Street pursuant to RSA 674:41.  
**Ladies and Gentlemen, what is your pleasure?**
26. Communication from Attorney Vincent Wenners, Jr. advising that Mr. Russell Bond, a retired Manchester Water Works employee should be receiving a pension at “half pay” rather than the lesser amount which disregards his standby pay.  
**Ladies and Gentlemen, what is your pleasure?**
27. Notice of reconsideration given by Alderman Gatsas on motion that Ordinance:  
“Amending the Zoning Ordinances of the City of Manchester by amending Article 13, Section 13.04 ‘Computation of impact fee’.”  
pass and be ordained.  
(Motion having carried with Aldermen Sysyn, Osborne, O’Neil, Shea, DeVries, Smith, Thibault and Roy voting yea. Aldermen Gatsas, Guinta, Garrity and Forest voted nay. Aldermen Porter and Lopez were absent.)  
**Should Alderman Gatsas or any Alderman having voted in the affirmative so desire, a motion is in order to reconsider.**
28. Ordinance: **(A motion is in order to read by title only.)**  
“Amending Chapter 38: Code Enforcement of the Code of Ordinances of the City of Manchester by inserting new penalties in Section 38.06(A): Citation Penalties for various violations of Chapter 94: Noise Regulations.”  
  
**This Ordinance having had its third and final reading by title only, the question is on pass same to be Ordained.**



**29. Bond Resolution: (A motion is in order to read by title only.)**

“Authorizing the Issuance of additional Bonds and Notes for Demolishing the existing Derryfield Golf Course Club House and Constructing, Originally Equipping and Furnishing a New Derryfield Golf Course Club House in the amount of \$450,000. Reaffirming the authorization of the Execution of a Management Agreement between the City and BLL Restaurant, Inc. for the Operation of the New Derryfield Golf Course Club House and Authorizing the Mayor and any other designee Thereof to take any and all Other Actions to Accomplish the Purposes of this Resolution so as to increase the entire Bond funding to \$2,750,000.”

**A motion is in order that the Bond Resolution pass and be Enrolled.**

**30. Resolutions: (A motion is in order to read by titles only.)**

“Amending the FY 2002 and 2003 Community Improvement Program, authorizing and appropriating funds in the amount of Ninety Three Thousand Three Hundred Sixty Four Dollars and Two Cents (\$93,364.02) for FY2003 CIP 712103 S. Mammoth Sewer – Phase 3 Project.”

“Amending the FY2003 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Twenty Five Thousand Dollars (\$25,000) for FY2003 CIP 713303-South Willow Street Area Improvements.”

“Amending the FY2004 Community Improvement Program, authorizing and appropriating funds in the amount of One Thousand Two Hundred Thirty Three Dollars (\$1,233) for the 2004 CIP 411004 Youth Attendant Program.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Nine Thousand Eight Hundred Two Dollars (\$29,802) for the 2005 CIP 214105 Manchester Multi-Lingual Asthma Education and Outreach Program.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000.00) for the 2005 CIP 810305 VISTA Coordinator Project.”

**A motion is in order that the Resolutions pass and be Enrolled.**

**TABLED ITEM**

**A motion is in order to remove the following item from the table for discussion.**

**31. Bond Resolution: (A motion is in order to read by title only.)**

“Authorizing Bonds, Notes or Lease Purchases in the amount of Two Hundred Fifty Thousand Dollars (\$250,000) for the 2005 CIP 811305, Revaluation Update Project.”

**A motion is in order that the Bond Resolution pass and be Enrolled.**

**32. NEW BUSINESS**

- a) Communications
- b) Aldermen

**33. If there is no further business, a motion is in order to adjourn.**